

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

74-1796

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

B

P/S

UNITED STATES OF AMERICA,

Appellee,

-against-

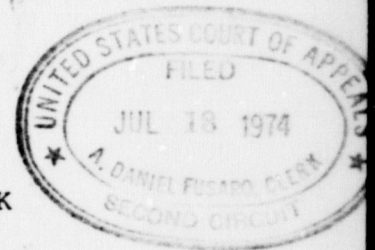
GEORGE THOMAS,

Appellant.

Docket No. 74-1796

APPENDIX TO APPELLANT'S BRIEF

ON APPEAL FROM A JUDGMENT
OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



WILLIAM J. GALLAGHER, ESQ.,
THE LEGAL AID SOCIETY,
Attorney for Appellant
THE LEGAL AID SOCIETY
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WILLIAM EPSTEIN,
Of Counsel

PAGINATION AS IN ORIGINAL COPY

JUDGE BRYAN

73 CRIM. 1088

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	Jeffrey Glekel, AUSA
✓ GEORGE THOMAS 4-30-74	264-6302
	For Defendant:

ABSTRACT OF COSTS	AMOUNT	CASH RECEIVED AND DISBURSED			
		DATE	NAME	RECEIVED	DISBURSED
(06)					
Fine,					
Clerk,					
Marshal,					
Attorney,					
XXXXXXXXXX T. 18					
XXXXXXXXXX Sec. 495					
Forging and uttering					
U.S. Tres. check,					
(One Count)					

DATE	PROCEEDINGS
12-3-73	Filed indictment.
1-10-73	Filed AFFIDAVIT, submitted by AUSA Jeffrey I. Glekel, requesting writ of habeas corpus ad prosequendum on defendant.
12-17-73	Deft. (No appearance by atty.) Court directs entry of not guilty plea. Writ adjourned. Case assigned to Judge Bryan for all purposes. Frankel, J.
1-14-74	Deft. (atty. present) Bail application - Bail status- Deft. R.O.R.. Deft. ordered fingerprinted and photographed - Bryan, J.-
2-11-74	Filed Financial Affidavit.

DATE	PROCEEDINGS	CLERK'S FEES	
		PLAINTIFF	DEFENDANT
4-12-74	Non-Jury trial begun before Bryan J. Waiver of Trial by Jury signed and approved Deft. found GUILTY BY THE COURT on both counts. The sentence report ordered. Probation Notified. Sentence April 23, 1974 at 10:30 A.M. Present bail condition continued - BRYAN, J.		
4-30-74	GEORGE THOMAS - Filed JUDGMENT (atty present) It is adjudged the Defendant is sentenced to a term of ONE(1)YEAR on Count One. Execution of the prison sentence is suspended and the Defendant is placed on Probation for a period of TWO(2)YEARS, subject to the standing probation order of this Court; Count Two(2), Suspend imposition of Sentence and the defendant is placed on Probation for a period of One(1)day subject to the standing probation order of this Court. - BRYAN, J. (copies issued)		
5-31-74	GEORGE THOMAS - Filed Notice of Motion returnable 6/4/74 at 10AM for an order extending time for filing a notice of appeal		
6-4-74	Filed Notice of Appeal to U.S.C.A appealing from the final Judgment rendered on 4/30/74		
5-5-74	Filed Memo-endorsed on Notice of Motion dtd. 5/31/74 - Deft's motion for an order extending the time for the filing of a notice of appeal under Rule 4(b)FR App.Proc. is in all respects granted. The time for filing such notice of appeal shall be extended for a period not to exceed 30 days from the expiration of the time otherwise prescribed - BRYAN (m/n)		
June 10 74	Filed transcript of record of proceedings, dated March 12-74		
June 10 74	Filed transcript of record of proceedings, dated April 30-74		
7-19-74	Filed copy of 21 affirming judgment S.C.P. transcript		

TREASURY
BUREAU OF
ACCOUNTS
DIVISION OF
DISBURSEMENT

PHILADELPHIA, PENNSYLVANIA

Cheq. No. 72,848,555
SYMEDL 3043

DO NOT FOLD SPINDLE OR MUTILATE
KNOW YOUR NUMBER - REQUIRE IDENTIFICATION



PAY TO THE
ORDER OF ROSARIO BUCCI
3 BROOKWOOD AV
NEW ROCHELLE NY

178-07-8586
55
10801

DEBIT	CRT.
\$****98	60

SJC SEC FOR MAR

1 8 87604

Robert J. ...

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0000000511

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
BUREAU OF ACCOUNTS
DIVISION OF DISBURSEMENT

APR 17 1972

APR 17 1972

RECEIVED

1972

APR 17 1972

IDENTIFICATION PROCEDURE
When cashing this check for the individual payee, you should require full identification and endorsement of your presence, as shown by the signature of the payee, or otherwise as required.

Robert J. ...

If the payee should be unable to provide a signature, the check should be cashed for the payee in full. If the payee is unable to provide a signature, the check should be cashed for the payee in full. If the payee is unable to provide a signature, the check should be cashed for the payee in full.

JG:ah

73-3552

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA, :

-v- :

GEORGE THOMAS, :

Defendant. :

INDICTMENT

73 Cr.

-----x **73 CRIM. 1088**

The Grand Jury charges:

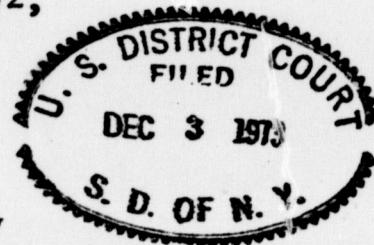
On or about the 3rd day of April 1972,
in the Southern District of New York,

GEORGE THOMAS,

the defendant, unlawfully, wilfully and knowingly
falsely made, forged and counterfeited a writing, namely,
the endorsement of the payee on a check, to wit, the words
"Rosario Bucci"

on the back thereof, for the purpose of obtaining from
the United States and its officers and agents a sum of
money, the check being a genuine obligation of the United
States, and of the following tenor:

(Title 18, United States Code, Section 495.)



JG:Ah

USA-33s-115B - IND./INF. - Uttering and passing forged check
Ed. 2-12-58 - (succeeding count)

SECOND COUNT

The Grand Jury further charges:

On or about the 3rd day of April 1972,
in the Southern District of New York,

GEORGE THOMAS,

the defendant, unlawfully, wilfully and knowingly
and with intent to defraud the United States, uttered
and published as true and caused to be uttered and
published as true, a false, forged and counterfeited
writing, namely, the endorsement of the payee on a
check knowing the same to be false, forged and
counterfeited, the check being that described in
the first count of this indictment.

(Title 18, United States Code, Section 495.)

Kenneth R. Rissman
FOREMAN

Paul J. Curran
PAUL J. CURRAN
United States Attorney

2 A F T E R N O O N S E S S I O N

3 2:45 p.m.

4 THE COURT: Gentlemen, I have given this very
5 careful consideration over the luncheon recess and reviewed
6 the evidence and the arguments of counsel with great care.

7 It seems to me quite plain here that the defen-
8 dant is guilty on both counts. I find the defendant guilty
9 on count one and count two.

10 It is quite plain, number one, as shown by the
11 uncontradicted and perfectly solid evidence of the handwriting
12 expert, that the defendant actually wrote the name of Rosario
13 Bucci on the back of that check.

14 Number two, it is quite plain from the evidence
15 before the Court that Rosario Bucci was an old gentleman of
16 79 who lived by himself, who went out very infrequently, only
17 two or three times a month, and had a serious heart condition.

18 It is further quite plain from the evidence that
19 the defendant made various statements to the Secret Service
20 agent which were false, including specifically the statement
21 that he had not signed the check in the name of Rosario Bucci,
22 that the endorsement was already on it and, in addition, he
23 stated he didn't know who the man was who gave him the check,
24 what he looked like and the further statement tied in with
25 that that he got the check in a crap game.

2 When taken all together, it indicates that all of
3 those statements were in all probability false.

4 It seems to me quite clear that he is guilty on
5 both count one and count two, and I find him guilty on both
6 counts.

7 I may say in that connection that the case of
8 United States of America against James Edward Lacey, 459 Fed.
9 Second 86 dealing with false exculpatory statements and their
10 effect, is, if not controlling here, very pertinent to the
11 situation the Court finds before it at the present time. That
12 is the Second Circuit, 1972.

13 Now, that being so, what is the present posture of
14 the defendant? Is he out on bail?

15 MR. GLEKEL: Your Honor, the defendant is on his
16 own recognizance. The government would consent to that status
17 pending sentencing.

18 THE COURT: Very good.

19 We will have a presentence report on this defen-
20 dant.

21 Mr. Greenberg, you will put the defendant in touch
22 with the probation office of the court so it can be gotten under
23 way as rapidly as possible. In the meantime, what date?

24 THE CLERK: April 23rd.

25 THE COURT: What day of the week is that?